



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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WASHINGTON, D.C. 20231
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SEP -5 2002

Paper No. 8

In re Application of
Jason B. Elledge
Application No. 09/616,794
Filed: July 14, 2000
Attorney Docket No. 500188.02

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: DECISION ON PETITION
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The papers filed by facsimile transmission on September 3, 2002 are construed as a petition under 37 CFR 1.181 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office letter dated December 31, 2001. No fee is required for the petition.

The petition is granted.

Petitioner alleges that the holding of abandonment is in error because a timely reply to the Office letter in question was in fact filed. Petitioner supports this allegation by supplying a copy of the reply filed, and a copy of receipt for the filing of the reply which shows that the reply was received in the Office on February 26, 2002. In addition, the reply has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated February 11, 2002. This evidence establishes that petitioner in fact filed a timely reply to the Office letter in question, and that the application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on February 11, 2002.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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